

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TERRI BALLHORN,

Plaintiff,

v.

TOWNSEND FARMS, INC., et al.,

Defendants.

Case No. 2:15-cv-00686-MMD-PAL

ORDER

This matter is before the court on a review of the docket, and a proposed Discovery Plan and Scheduling Order (Dkt. #15) submitted by Defendants which requests special scheduling review.

The complaint in this case was filed in state court and removed (Dkt. #1) April 15, 2015. On the same day, the clerk of court notified Plaintiff's counsel, Sandra Rebolledo, that as she was admitted before the United States District Court, she must comply with LR IA 10-1. *See* Notice (Dkt. #4). Ms. Rebolledo was referred to the court's website for the Admission to Practice form. To date, she has not complied.


Defendants Proposed Discovery Plan and Scheduling Order was filed unilaterally because Plaintiff's counsel is not admitted to the bar for the United States District Court of Nevada, and has not responded to the court's April 15, 2015 notice to become admitted. Additionally, defense counsel represents Plaintiff's counsel has informed Defendants' counsel that she has no intention of becoming admitted, and that if the case remains in federal court, she will be "passing this matter off to other counsel." Defendants also filed a unilateral Status Report Regarding Removal (Dkt. #10) which should have been filed as a joint status report pursuant to Judge Du's order because of these circumstances.

1 To date, Plaintiff's counsel has not complied with the court's notice of attorney action  
 2 required, or obtained substitute counsel for the client. No motion to remand this case has been  
 3 filed. Therefore, the case will remain in federal court. Although the court appreciates that this is  
 4 not Plaintiff's choice of forum, the case has been removed and will not be further delayed while  
 5 Ms. Robelledo fails to take action to secure alternate representation for her client. As Plaintiff's  
 6 counsel has apparently expressed that she will not remain as counsel of record if this case  
 7 remains pending in federal court,

8 **IT IS ORDERED** that:

- 9 1. Plaintiff shall have until **August 20, 2015**, in which to associate or retain substitute  
 10 counsel admitted to practice in this district who shall make an appearance in  
 11 accordance with the Local Rules of Practice.
- 12 2. Defendants' Proposed Discovery Plan and Scheduling Order (Dkt. #15) is **DENIED**  
 13 at this time. The court will require counsel for the parties to meet and confer within  
 14 fourteen days of Plaintiff retaining substitute counsel admitted to practice before this  
 15 court to conduct a Rule 26(f) conference and submit a joint discovery plan and  
 16 scheduling order.
- 17 3. Failure to timely comply with this order may result in sanctions up to and including a  
 18 recommendation to the district judge the Plaintiff's case be dismissed for failure to  
 19 comply with the court's orders and failure to prosecute.
- 20 4. If Plaintiff does not retain substitute counsel on or before August 20, 2015, the court  
 21 will deem her to be appearing pro se, *i.e.*, representing herself. The court will also  
 22 refer this matter to the State Bar of Nevada for possible disciplinary action against  
 23 Ms. Rebolledo for abandoning the client without taking appropriate action to protect  
 24 the client's interests in this court.

25 DATED this 20th day of July, 2015.

26  
 27   
 28 PEGGY A. ZEEN  
 UNITED STATES MAGISTRATE JUDGE